

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
OFFICE OF FINANCIAL AND INSURANCE REGULATION

Before the Commissioner of the Office of Financial and Insurance Regulation

In the matter of:

ROBERT KOETSIER
NMLS No. 121035,

Enforcement Case No. 11-11175

Applicant.

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This 4th Issued and Entered,
day of October, 2011,
By Annette E. Flood
Chief Deputy Commissioner

ORDER OF DENIAL
OF MORTGAGE LOAN ORIGINATOR LICENSE APPLICATION

I.
STATEMENT OF LAW

1. The Commissioner of the Office of Financial and Insurance Regulation (OFIR) regulates and licenses mortgage loan originators in Michigan pursuant to the Mortgage Loan Originator Licensing Act, 2009 P.A. 75, as amended, MCL 493.131 *et seq.* (the "Act").
2. Section 9(1)(d) of the Act prohibits the Commissioner from issuing a license unless the Commissioner finds that "[t]he applicant has demonstrated financial responsibility, character, and general fitness that commands the confidence of the community and warrants a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this act." MCL 493.139(1)(d).
3. Section 33(1)(a) of the Act empowers the Commissioner to investigate an applicant for licensing to determine compliance with the Act. MCL 493.163(1)(a).

II.
FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. An application was received on or about June 4, 2010, in the name of Robert Koetsier ("Applicant"), NMLS No. 121035, requesting a transfer to a Mortgage Loan Originator License under the Act.

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2. On June 9, 2011, Applicant submitted a request to cancel the transition. Applicant's request was accepted.
3. On June 9, 2011, Applicant submitted a new application for a mortgage loan originator license under the Act.
4. OFIR's Consumer Finance Licensing Unit conducted a background investigation of Applicant, pursuant to Section 33(1)(a) of the Act, MCL 493.163(1)(a), to determine whether Applicant satisfied the conditions of Section 9(1) of the Act, MCL 493.139(1).
5. OFIR's investigation revealed the following:
 - a. On October 30, 1987, Applicant filed for Chapter 13 bankruptcy (#87-03268).
 - b. On September 12, 1991, Applicant converted his bankruptcy proceedings to a Chapter 7 bankruptcy (#87-03268).
 - c. On February 24, 1992, Applicant's bankruptcy proceedings (#87-03268) were terminated.
 - d. On September 20, 1996, Applicant again filed for bankruptcy under Chapter 13 (#96-86558).
 - e. On January 24, 2000, Applicant's bankruptcy proceeding (#96-86558) were dismissed.
 - f. On December 7, 2000, Applicant filed for Chapter 7 bankruptcy in (#00-9742).
 - g. On April 2, 2001, Applicant's bankruptcy was discharged (#00-09742).
 - h. In 2009, Applicant reported that he had no income.
 - i. In 2009, Applicant purchased a \$35,000 truck and a \$16,509 Harley-Davidson motorcycle, and received a \$28,000 auto loan, a \$2,717 auto loan, and refinanced a \$160,000 boat.
 - j. As of June 10, 2010, Applicant's credit report reflected twelve (12) past due items totaling \$15,228.
 - k. On July 13, 2010, Applicant filed for Chapter 7 bankruptcy in the United States Bankruptcy Court, Western District of Michigan (#1:10-08674).
 - l. On January 3, 2011, Applicant was granted a discharge by the United States Bankruptcy Court, Western District of Michigan (#1:10-08674).
6. In July of 2010, OFIR's Consumer Finance Licensing Unit communicated with Applicant by mail, requesting various additional information or clarification regarding issues identified in their initial investigation.

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7. On July 26, 2010, Applicant responded to OFIR's letter. Subsequently, OFIR's Consumer Finance Licensing Unit sought further clarification from Applicant, who responded by providing his 2009 income tax return to substantiate his claim of having no income in 2009.
8. Between August of 2010 and June of 2011, OFIR's Consumer Finance Licensing Unit and Applicant communicated numerous times, further clarifying various aspects of Applicant's application for licensure, credit history, and bankruptcy filings.
9. On July 28, 2011, OFIR's Consumer Finance Licensing Unit determined that the Applicant's bankruptcy filings demonstrate a pattern of financial irresponsibility and a failure to satisfy his creditors or repay debts.
10. OFIR's Consumer Finance Licensing Unit further determined that Applicant's 2009 purchases and loans, while he was unemployed, further demonstrate a pattern of financial irresponsibility.
11. Based on the foregoing facts, the Commissioner concludes that Applicant has failed to demonstrate the "financial responsibility, character, and general fitness that commands the confidence of the community" warranting a determination that Applicant "will operate honestly, fairly and efficiently," as required to satisfy Section 9(1)(d) of the Act, MCL 493.139(1)(d).
12. Based on the foregoing facts, the Commissioner concludes that Applicant does not meet the minimum licensing requirements of Section 9(1)(d) of the Act, MCL 493.139(1)(d), and is ineligible for licensure under the Act.

**III.
ORDER**

Based on the Statement of Law, Findings of Fact, and Conclusions of Law above, it is **ORDERED** that:

1. The application of ROBERT KOETSIER for licensure as a mortgage loan originator under the Act shall be and hereby is DENIED.
2. ROBERT KOETSIER shall immediately cease and desist from conducting any activities that require licensure under the Act.


Annette E. Flood
Chief Deputy Commissioner

Dated: 10-4-11

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**IV.
APPEAL**

This Order of Denial is an administrative order subject to judicial review pursuant to the Michigan Constitution, MCL Const. Art. 6, § 28, and subject to the Revised Judicature Act, MCL 600.631.